

MEMORANDUM OF AGREEMENT APPLICATION FOR NON-RESIDENTIAL PROPERTIES

This Memorandum of Agreement application has been developed so that any party interested in conducting a cleanup at a non-residential property can obtain oversight from the Department. The party and/or the party's authorized agent, interested in conducting the cleanup activities must complete this application in its entirety. The Department can not process any application unless all the requested information is completed and all questions are answered to the satisfaction of the Department. The application **must have an original signature and be notarized**. Once completed the application must be submitted to the following address:

**Division of Remediation Support
Bureau of Risk Management, Initial Notice & Case Assignment
401 East State Street, PO Box 434
Trenton, NJ 08625-0434**

Attention: Bureau Chief, Bureau of Risk Management, Initial Notice & Case Assignment

Answer all questions as completely as possible. If you have any questions when completing this form, it is recommended that you contact the Case Assignment Section at (609) 292-2943 between the hours of 8:00 AM and 5:00 PM for assistance.

This application is for a Memorandum of Agreement which may be granted pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department") by N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10B et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Bureau Chief, Division of Remediation Support, Bureau of Risk Management, Initial Notice & Case Assignment pursuant to N.J.S.A. 13:1B-4.

This application is to be used as a formal request for Department oversight of cleanup activities, conducted in accordance with the Technical Rules for Site Remediation (N.J.A.C. 7:26E et seq.) and pursuant to the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C et seq.)

The Department will review the application and will respond in writing, as to whether the application is administratively complete. If the application is incomplete the deficiencies shall be listed. If the application is complete, the applicant will be deemed to have entered into an Agreement by rule pursuant to N.J.A.C. 7:26C-3.3.

Upon the applicant's receipt of the Department's written acceptance of the applicant's offer to conduct the remediation, the applicant has a memorandum of agreement with the Department that includes:

1. The application;
2. The Department's written acceptance; and
3. The following provisions:
 - i. The applicant shall pay the Department's oversight costs pursuant to N.J.A.C. 7:26C-9 and this obligation continues, for those oversight costs that have accrued prior to termination, after the Department's termination of the memorandum of agreement.
 - ii. The applicant shall conduct all remediation pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

Additional information about the Underground Storage Tank Finance Act as well as the above referenced regulations can be found on the Internet at **www.state.nj.us/dep/srp**.

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Incident Number: _____

Date: _____

A. Current Use: Agricultural _____ Industrial _____ Undeveloped _____ Commercial _____
Other _____

B. Site Name _____

Street Address _____ Zip Code _____

Municipality _____ County _____

Tax Block and Lot Number(s) _____

Latitude _____ Longitude _____ Acreage _____

Geographic Boundaries _____

EPA ID # (if applicable) _____

C. Who will be executing this Agreement?

Name _____

Affiliation _____

Address _____

City _____ State _____ Zip Code _____

State of Incorporation _____ Corp. Status _____

Phone _____ Email Address _____

D. What is the purpose for entering into this Agreement? (for example: to obtain either a "Whole Site" or "Area of Concern" NFA, demonstrate an offsite source exists, Brownfields re-development, DER or CEA amendments, etc). Attach additional sheet if needed:

E. Provide a detailed description of the scope of the remediation for which Department oversight is being requested (areas of concern, media impacted, how it will be addressed, etc). Attach additional sheet if needed:

- F. Select which phase(s) of the cleanup process are to be performed and what document(s) are to be submitted. A proposed schedule must be provided for each of the phases for which oversight is being requested.

<u>REMEDIAL PHASE</u>	<u>DOCUMENTS</u>	<u>Projected Submittal Date</u>
<input type="checkbox"/> Preliminary Assessment	<input type="checkbox"/> Preliminary Assessment Report	_____
<input type="checkbox"/> Site Investigation	<input type="checkbox"/> Site Investigation Report	_____
<input type="checkbox"/> Remedial Investigation	<input type="checkbox"/> Remedial Investigation Workplan	_____
<input type="checkbox"/> Remedial Action	<input type="checkbox"/> Remedial Investigation Report	_____
	<input type="checkbox"/> Remedial Action Selection Report	_____
	<input type="checkbox"/> Remedial Action Workplan	_____
	<input type="checkbox"/> Remedial Action Report	_____

- G. Current Site Owner(s)

Name(s) _____
 Firm _____ Telephone # _____
 Street Address _____
 Municipality _____ State _____ Zip Code _____

- H. Current Business Operator(s)

Name(s) _____
 Firm _____
 Telephone # _____ Street Address _____
 Municipality _____ State _____ Zip Code _____

- I. Current Business Owner(s) (if different than question Part G. or H.)

Name(s) _____
 Firm _____ Telephone # _____
 Street Address _____
 Municipality _____
 State _____ Zip Code _____

- J. Provide the information requested below on the previous owners of the site and the entities who operated at the site.

Name	Owner or Operator	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- K. For those former Owner(s) and/or Operator(s) identified above (in paragraph H), give a brief discussion of all operations at the site, including but not limited to types of operations, materials used, waste generated and waste disposal techniques.

- L. Are there currently or have there ever been any notices on the deed, which constitute a Declaration of Environmental Restriction (DER) pursuant to N.J.A.C. 7:26E-1 et seq.?

Yes ____ No ____ Unknown ____

If yes, please state the name of the site as it was identified in the DER, the address, lot and block and EP ID number (if applicable) associated with the site.

- M. Are there currently, or have there ever been, any above or below ground storage tanks at the site?

Yes ____ No ____ Unknown ____

- N. Did the discharge impact groundwater?

Yes ____ No ____ Unknown ____

- O. What are the current operations at the site?

- P. What are the intended future uses of the site?

- Q. Describe briefly the major types of contaminants found at the site and what media they affect.

- R. Describe in detail how the contamination came to exist at the site. For example, were there past spills, landfill operations, industrial septic systems, USTs, depositions of fill material, etc.?

- S. List any civil/criminal actions taken against the owner/operator, managers or officials associated with the site for violations of any environmental laws or statutes.

Check here if no violations or alleged violation [☐]

Date of action _____

Section of law or statute violated _____

Type of enforcement action _____

Description of the violation _____

How was the violation or alleged violation resolved?

T. List all permits currently held by the applicant for the site. (NJPDES, RCRA, etc.)

U. Has a Hazardous Discharge Site Remediation Fund Grant or Loan Application been filed with the Department?

Yes ____ No ____

V. Has a loan/grant application pursuant to the Underground Storage Tank Finance Act been filed with the Department?

Yes ____ No ____

W. Is the site located in a Neighborhood Empowerment Zone as defined in the New Jersey Urban Redevelopment Act ?

Yes ____ No ____ Unknown ____

X. Who will be the contact for all matters of this application?

Name _____ Title _____

Affiliation _____ Phone _____

Email _____

Address _____ City/Town _____

County _____ State _____ Zip Code _____

Y. Is the site currently, or has it ever been, under the oversight of any other program within the DEP?

Yes ____ No ____

If yes, explain:

_____ Program Interest # _____

Case Manager _____

Z. Do you consider this site to be a Brownfield as defined below:
Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.
OR is the remediation being conducted with the intent to pursue redevelopment?

Yes ____ No ____

SIGNATORY

Date: _____ BY: _____ Title: _____

Signature

Print Full Name Signed Above

Date: _____ BY: _____

Notary Signature (application must be notarized)